UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/604,906	VON GROLL, GOETZ
	Examiner	Art Unit	
	Bai D. Vu	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 August 2003*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-6* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *26 August 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-6 are pending in this Office Action.

Oath/Declaration

2.   The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

Drawings

3.   A descriptive textual label for each numbered element in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n) (o) is recited below:

(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office.

They should contain as few words as possible.

The drawings are objected to because Figures 13 and 19-21 are unable to read

and some elements or boxes in Figure 3 have no labeled. Thus, these elements do not

give a viewer to fully understand without substantial analysis of detailed specification.

Claim Objections

4.   Claims 2-6 are objected to because of the following informalities:

In claims 2-6, the recited limitation "A method" should be replaced by "The

method".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

6.   **Claims 1 and 3-5** are rejected under 35 U.S.C. 102(e) as being anticipated by

Katz et al. (US Pub. No. 2002/0174000 A1).

As per **claim 1**, Katz et al. discloses "a method for quantitative analysis of communication performance" as *analysis services 78 performs quantitative and qualitative analysis on the data results of discovery services 76 via a plurality of algorithms (¶ 0053 lines 2-4)* "comprising the steps of:"

"(i) Performing a computerised set of at least two searches in a database or a network containing articles, each search comprising an object of interest related to said communication performance or objects to be compared to said object of interest," as *FIG. 7B is an architectural diagram illustrating preferred embodiments of the external data collection components 116 of exemplary VCI system 28. External data collection components 116 search, extract and transform external data (i.e., part catalogs, prices, availability, lead time, compatible parts, specifications, etc.) from a plurality of sources of external data 32, such as databases and Internet sources. External data 32 may be received across a network similar to how internal data 30 is received, but external data 32 may also be received in a plurality of other formats, such as via CD-ROM, ZIP disk, floppy disk, catalog (in hard copy), brochure (in hard copy), etc. Databases, such as subscription database 152, product database 154, and marketplace database 156, preferably contain external data 32 from one source or a plurality of sources. External data sources, such as Internet sources 158-162, preferably contain external data 32, which may be extracted from one or a plurality of web sites, depending upon data requirements and user requests. External data collection components 116 of VCI system 28 is comprised of a plurality of Internet sources 158-162, subscription database 152, product database 154, marketplace database 156, a plurality of extract modules*

164-174, and a plurality of transform modules 176-186 (¶ 0196) wherein searching,

extracting and transforming external data from a plurality of sources, such as databases

and Internet sources, referred as performing a set of at least two searches; and *internet*

sources 158-162 preferably consist of a plurality of web sites that contain a plurality of

external data 32, such as specifications, part descriptions, product reviews, news,

reports, etc., and serve as sources for searching and extracting non-proprietary data (¶

0204 lines 6-10) wherein specifications, part descriptions, product reviews, news,

reports, etc. referred as objects of interest "at least one search term to be searched in

the publication and optionally one or more attributes concerning the publication itself" as

news stories relating to a part, its part family and the product category to which it

belongs. Preferably such news stories are categorized in the user interface of VCI

system 28 in a product hierarchy, with each subcategory in the product hierarchy

showing the stories (or links to the stories) that are relevant to the parts in that

particularly category. Moreover, the news stories may preferably be searched, filtered,

or organized in the user interface of VCI system 28 by date, geographic location, or

according to the companies to which the news stories relate (¶ 0115 - 0116) wherein

news stories referred as search terms; and date, geographic location referred as

attributes.

"(ii) Analysing the search by taking into account additional data, in particular data

being provided from a different source than said database or network of articles for

weighting or normalisation purposes" as *analysis services 78 may be customized based*

on user-defined criteria. For instance, a client may request risk analysis, involving

applications associated with analysis services 78 to provide a plurality of analyses, such

as model and forecast revenues based on inventory levels, demand forecasts, market

pricing, availability of constituent parts, etc. Such analyses are functions of modules in

VCI system 28 (which is described in more detail below); the modules implement a

plurality of data and analysis tools, which offer solutions to domain-specific problems.

Analysis services 78 thus examine and analyze a plurality of discovered data, such as

contract terms, performance metrics, current inventories, surplus and shortages,

warehouse locations, etc., and produce one or a plurality of reports based on the

subsequently analyzed data. For example, internal data 30 and external data 32 may be

analyzed by one or more modules to assess the impact or potential impact of internal

data 30 and external data 32 on procurement decisions, sourcing decisions and/or

strategic sourcing decisions in the enterprise with respect to one or more items.

Accordingly, analysis services selects from one or more user-defined parameters for

internal data 30 and external data 32 (i.e., allow user control over the parameters on

which the analysis will be based), selecting values, value ranges, and/or conditions for

the user-defined parameters, establishing weight(s) or relative weight(s) for the user-

defined parameters, and/or prioritizing weight(s) or relative weight(s) for the user-

defined parameters. In accordance with preferred embodiments, the resulting data of

analysis services 78 are then preferably reintegrated back into data mart 74 (¶ 0053

lines 4-34) wherein internal data 30 referred as additional data provided from a different

source.

"(iii) Displaying the results of said analyses as graphs" as *services and*

applications server 202 provides a plurality of functional applications that make

decisions about VCI services, such as inventory levels, demand forecasts, contract

commitments, spot market analysis, etc., based on the integration of internal data 30

and external data 32. Services and applications server 202 then sends the resulting

data to the end user via VCI user interface 208. VCI user interface 208 displays the

integrated data, facilitating the user in making strategic and tactical decisions (¶ 0053

lines 10-19); and *VCI user interface 208 preferably consists of a plurality of*

customizable objects and windows, which may be configured to display graphs, charts,

tables, pop-up windows, text boxes, check boxes, status bars, etc. Each customizable

object or window may be predefined or modified according to user needs, and may

display a customized user interface that integrates a plurality of internal and external

data. VCI user interface 208 may be accessed with a web browser via a PC, laptop,

handheld WAP device, etc (¶ 0226).

As per **claim 3**, Katz et al. discloses "a method for quantitative analysis of

communication performance as set forth in claim 1 wherein said object of interest is a

company, brand or product name or category, governmental or non-governmental

organisation, person or issue of general interest or public policy" as *external data 32*

preferably consist of data that exist outside the customer's enterprise system (typically

having relevance to the enterprise and competing and other enterprises, such as

product offerings that are generally available or news events of general relevance to

participants in particular industries, etc.) that are retrieved from a plurality of sources,

such as suppliers, potential suppliers, product databases, electronic catalogues, online

marketplaces, etc (¶ 0040 lines 20-28).

As per **claim 4**, Katz et al. discloses "a method for quantitative analysis of

communication performance as set in one of the preceding claims wherein said data

being provided from a different source relates to financial data of company, product line,

marketing and PR budget" as *VCI system 28 preferably includes applications and*

components that integrate internal data 30, external data 32, planning functions 34, and

execution functions 36. Internal data 30 preferably consist of proprietary data (typically

intrinsic or having particular relevance to the particular enterprise) that are retrieved

from a plurality of customer enterprise systems, such as ERP systems, SCM systems,

supply databases, internal parts databases, inventories, etc., which may exist across

one or multiple business units within the enterprise (i.e., business units that

manufacture different products that include common or similar components, etc.).

External data 32 preferably consist of data that exist outside the customer's enterprise

system (typically having relevance to the enterprise and competing and other

enterprises, such as product offerings that are generally available or news events of

general relevance to participants in particular industries, etc.) that are retrieved from a

plurality of sources, such as suppliers, potential suppliers, product databases, electronic

catalogues, online marketplaces, etc (¶ 0040 lines 9-28).

As per **claim 5**, Katz et al. discloses "a method for quantitative analysis of communication performance as set in one of the preceding claims comprising furthermore the step of evaluating the positive, negative, and neutral tone of voice concerning said object of interest or said objects to be compared to said objects of interest of a plurality of retrieved publications by manually evaluating a statistically chosen sub-set thereof" as *VCI system 28 in accordance with the present invention integrates these functions and data, enabling users to access, analyze, evaluate, and execute operations in order to make strategic and tactical decisions about operations based on the range of available data (¶ 0041 lines 13-17); price forecasting module: This module preferably provides the user with recommendations for purchasing items from electronic markets by evaluating electronic market prices in real time depending on a plurality of enterprise-specific conditions, such as contract pricing for similar goods or the cost of carrying an inventory of the particular supply (¶ 0167 lines 1-7); BOM optimization module: This module preferably identifies critical components in a BOM by evaluating price relative to the total BOM cost, current inventory levels, published EOL dates, length of lead time, frequency of the part in stock being out, etc (¶ 0169 lines 1-5); and sell excess inventory module: This module preferably identifies opportunities to sell excess inventories by evaluating current inventory levels, demand forecasts, spot market prices, etc. and identifying incipient surpluses based on trend analysis, predictive modeling, etc (¶ 0172 lines 1-5).*

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 2 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Katz et al. in view of Adler (US Pub No. 2002/0169658 A1).

        As per **claim 2**, Katz et al. discloses "a method for quantitative analysis of

communication performance as set forth in claim 1 comprising furthermore the step of

Performing steps (i) and (ii) for articles published at different points in time" as *VCI*

system 28 preferably monitors external data sources 152 and 158 for such events, and

extracts with extraction modules 164 and 166 news about the event, and stores the

pertinent data, such as the type of event, date, time, manufacturer's name, location of

the manufacturing facility, etc., in data mart 74 (¶ 0300 lines 2-7).

        Katz et al. does not explicitly disclose "displaying the results as a function of

time". However, Adler discloses as *another graphic display window may show*

cumulative aggregated metrics for the simulation model. FIG. 14 is a screen display of

an exemplary plot window 140 in one embodiment of the invention. This window 140

may display cumulative sales in $M 141 and cumulative number of trade transactions in

100s 142, through a single EMarketplace, while the window in FIG. 15 summarizes

comparable cumulative sales 151 and trade 152 statistics over time for an industrial

Market in which two B2B EMarketplaces are competing with one another (¶ 0089).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply Adler teaching of modeling and analyzing complex

strategic business decisions into Katz et al. system in order to provide facilities to

create, edit, and store decision contexts and scenarios persistently to a database. This

allows models and scenarios to be retrieved and updated and refined for recurring use,

allowing prior decisions to be revisited in light of current market data and learning from

experience. The accuracy and credibility of simulated outcomes and analysis increases

in a correspondingly incremental manner (Adler, ¶ 0049).

As per **claim 6**, Katz et al. does not explicitly disclose "a method for quantitative

analysis of communication performance as set in one of the preceding claims

comprising furthermore the step of counting and mapping the frequency of most

relevant words concerning said object of interest or said objects to be compared to said

objects of interest of a plurality of retrieved publications by plotting the most relevant

words in conjunction with their change of occurrence over time".

However, Adler discloses as *another graphic display window may show*

cumulative aggregated metrics for the simulation model. FIG. 14 is a screen display of

an exemplary plot window 140 in one embodiment of the invention. This window 140

may display cumulative sales in $M 141 and cumulative number of trade transactions in

100s 142, through a single EMarketplace, while the window in FIG. 15 summarizes

comparable cumulative sales 151 and trade 152 statistics over time for an industrial

Market in which two B2B EMarketplaces are competing with one another (¶ 0089).

It would have been obvious to one of ordinary skill in the art at the time the

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allows models and scenarios to be retrieved and updated and refined for recurring use,

allowing prior decisions to be revisited in light of current market data and learning from

experience. The accuracy and credibility of simulated outcomes and analysis increases

in a correspondingly incremental manner (Adler, ¶ 0049).

Conclusion

9.   The following prior art made of record on form PTO-892 and not relied upon is

cited to establish the level of skill in the applicant's art and those arts considered

reasonably pertinent to applicant's disclosure. See **MPEP 707.059(c)**.

US-7,117,198 B1

US-7,337,135 B1

10.   The examiner requests, in response to this Office Action, support is shown for

language added to any original claims on amendment and any new claims. That is,

indicate support for newly added claim language by specifically pointing to page(s) and

line number(s) in the specification and/or drawing figure(s). This will assist the

examiner in prosecuting the application.

11.   When responding to this Office Action, applicant is advised to clearly point out

the patentable novelty which he or she thinks the claims present, in view of the state of

the art disclosed by the references cited or the objections made. He or she must also

show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Contact Information

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bai D. Vu whose telephone number is 571-270-1751.

The examiner can normally be reached on Mon - Fri 7:30 - 5:00 EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bai D Vu/
Examiner, Art Unit 2165

/C. T. T./
Primary Examiner, Art Unit 2162
04/25/2008

/Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2165